

REMARKS

Claim Amendments

Applicants have amended claims 1-2, 4, 8-9, 11, 15-16, and 18. Applicants have also canceled claims 3, 5-7, 10, 12-14, and 17. Applicants are not conceding in this application that claims 1-18 as originally filed in this case are not patentable over the art cited by the Examiner without the amendments in this paper. Rather, the present claim amendments are only for facilitating expeditious prosecution of the present case. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations or divisional patent applications. Applicants respectfully submit that these amendments do not introduce any new matter into the present application and request that the amendments be entered.

Claim Rejections – 35 U.S.C. § 102 Over Cho

Claims 1-20 stand rejected under 35 U.S.C § 102(e) as being anticipated by Cho, *et al.* (U.S. Patent No. 7,160,252) (hereafter ‘Cho’). To anticipate claims 1-20 under 35 U.S.C. § 102(e), Cho must disclose each and every element and limitation recited in the claims of the present application. As amended, Applicants’ claims include, among other limitations:

responsive to receiving the user metric and receiving the network device content metadata, transmitting, by the controller, a signal to the network device to change the physical output; and

responsive to the signal, generating, by the network device, a second form of physical output from the content.

Cho, however, is generally concerned with monitoring respiration including sensing a signal that varies with respiration, deriving a respiration parameter, applying criteria for detecting a respiration disturbance and determining one or more respiratory disturbance metrics – not generating a second form of physical output from content received by a network device. Moreover, Cho does not disclose anything remotely resembling network

device content metadata that represents one or more characteristics of content sent over the network to a network device. Because the Cho does not disclose each and every element and limitation of Applicants' claim, Cho does not anticipate Applicants' claims. Applicants respectfully request reconsideration of the claims.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid

Respectfully submitted,

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